



City of
Peterborough

TO: Members of the Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: April 11, 2011

**SUBJECT: Report PLPD11-028
1189 Clonsilla Avenue**

PURPOSE

A report to evaluate the planning merits of amending the Zoning By-Law from PS.1 and R.1, 1m,2m – Residential District to R.1,R.2,1m,2m-263 - 'H' to permit the use of the existing building for a small scale office and/or up to a maximum of 2 dwelling units with onsite parking for 9 spaces.

RECOMMENDATIONS

That Council approve the recommendations outlined in Report PLPD11-028 dated April 11, 2011 of the Manager, Planning Division, as follows:

- a) That Section 3.9 Exceptions in the City's Comprehensive Zoning By-Law #1997-123, be amended in accordance with the draft amendment, attached as Exhibit 'C' to Report PLPD11-028, to add a small scale office as a permitted use with a maximum floor area of 300m².
- b) That the zoning of the subject property, be amended from the PS.1 – Public Service District and R.1, 1m, 2m – Residential District to R.1, R.2, 1m, 2m - 263 – 'H' in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD11-028.
- c) That the 'H' Holding Symbol be removed at such time as Site Plan Approval is granted for the subject property.

BUDGET AND FINANCIAL IMPLICATIONS

There are no direct budget or financial implications arising from the approval of these recommendations.

BACKGROUND

The subject application was received on December 17, 2010, deemed to be complete as of January 10, 2011, and can be appealed under the provisions of the Planning Act, by the applicant by May 10, 2011 for lack of decision, if no decision is made at that time.

The subject application proposes an amendment to the zoning of the lands to permit the conversion and use of the existing building for an office and/or up to 2 dwelling units. The applicant proposes to convert the ground floor of the existing legal non-conforming duplex to a small scale office with a dwelling unit above. As an alternative, the applicant would also like the flexibility to utilize the existing building for up to two dwelling units.

The property has been used to support a duplex for approximately 59 years. The duplex use is considered to be legal non-conforming under the current Zoning By-Law. The applicants propose to rezone the property to permit office use on the ground floor and/or two residential dwelling units. The applicants intend to relocate their financial planning business from their home to this location to facilitate an expansion of the business with additional staff.

The property dimensions have recently been amended as a result of a transfer of land with the City to facilitate a future roadway (proposed Hospital Access Road) to the west and a road widening along Clonsilla Avenue. The revised configuration will now facilitate the introduction of parking facilities on site. The applicant has provided a concept site plan to illustrate the ability to support up to 9 parking spaces with proper traffic patterns, in accordance with the requirements of the Zoning By-Law. Access is proposed to continue in approximately the same location as the existing driveway entrance connection to Clonsilla Avenue.

ANALYSIS

a) Official Plan

The lands are currently designated “Residential” on Schedule ‘A’ of the City of Peterborough Official Plan. The policies associated with the ‘Residential’ designation recognize “local commercial uses which are intended to provide a range of convenience goods and services, generally required on a daily basis, to the adjacent residential areas.” These convenience goods and services include small scale offices.

The local commercial policies require that local commercial uses be of a sufficient size to provide adequate buffering for adjacent non-commercial uses (i.e. residential or public service) and adequate parking facilities. The policies require that these local commercial uses locate on a collector or arterial street, generally at an intersection or integrated with higher density residential development.

b) Zoning By-law

The subject property is currently zoned PS.1-Public Service District and R.1,1m,2m – Residential District, limiting the permitted uses to a single detached dwelling on the Residential portion. The property has legal non-conforming status as a duplex. A small portion recently added to the property as acquired from the City, is currently zoned PS.1 – Public Service District, formerly part of Kinsmen Park.

The proposed conversion of the dwelling, by adding an office, is considered as a change in the use, requiring a Zoning By-Law Amendment. The proposed amendment would permit a small scale office as a permitted use, in addition to permitting the property to be used for up to two dwelling units.

The City’s Comprehensive Zoning By-Law #1997-123 requires a minimum of 2 parking spaces per dwelling unit and a minimum of 1 parking space per 28m² of floor area for an office use within this suburban location. Based on these requirements, a minimum of 6 parking spaces is required for a ground floor office and a dwelling unit above or up to 8 parking spaces in the instance of a ground floor office with two dwelling units above. The concept site plan illustrates the ability of the property to support up to 9 parking spaces.

The proposed zoning furthers the local commercial policies of the Residential designation in the Official Plan. The applicant proposes to introduce parking facilities to the site while maintaining a suitable buffer from adjacent residential uses. Site Plan Approval is recommended for the introduction of the commercial parking lot related to the increase in the usability of the property.

b) Site Development

A road widening of approximately 3.0m has been taken from the frontage of the property along Clonsilla Avenue. Access to Clonsilla Avenue will continue to be from the existing driveway with the introduction of parking facilities on the south side of the lot and dwelling, which is desirable to reduce the impact of the parking and commercial use of the property for the residential lands to the north.

RESPONSE TO NOTICE

a) Significant Agency Responses:

Agency circulation was issued on January 18, 2011.

The City's Utility Services Department has requested that the zoning be conditional upon the applicant entering into a Site Plan Agreement. The comments relate specifically to site plan requirements to address landscape treatment, parking stall width, site servicing and stormwater management.

Peterborough Utilities Services Inc. indicate that the existing water service is branched with 1193 Clonsilla Avenue. The owner is to satisfy themselves that this service is adequate and also note that the change of use will alter the billing rate. A hydro permit will also be required for any electrical service changes.

No further agency has expressed any significant concerns or requests with respect to the proposed rezoning of the subject property.

b) Summary of Public Responses:

Notice of Complete Application was issued by newspaper advertisement on (Peterborough Examiner) on January 6, 2011. Notice of Public Meeting was issued on

March 17, 2011 by direct mail and on March 21, 2011 by newspaper advertisement (Peterborough Examiner). The notice complies with the requirements of the Planning Act.

No public written responses were received as a result of the circulation.

Submitted by,

Ken Hetherington,
Manager, Planning Division

Prepared by,

Caroline Kimble,
Land Use Planner

Concurred with,

Malcolm Hunt, Director
Planning and Development Services

Contact Name:

Caroline Kimble
Planner, Land Use
Planning & Development Services
Phone – 742-7777 Ext. 1735
Fax – 742-5218
E-Mail – ckimble@peterborough.ca

Attachments:

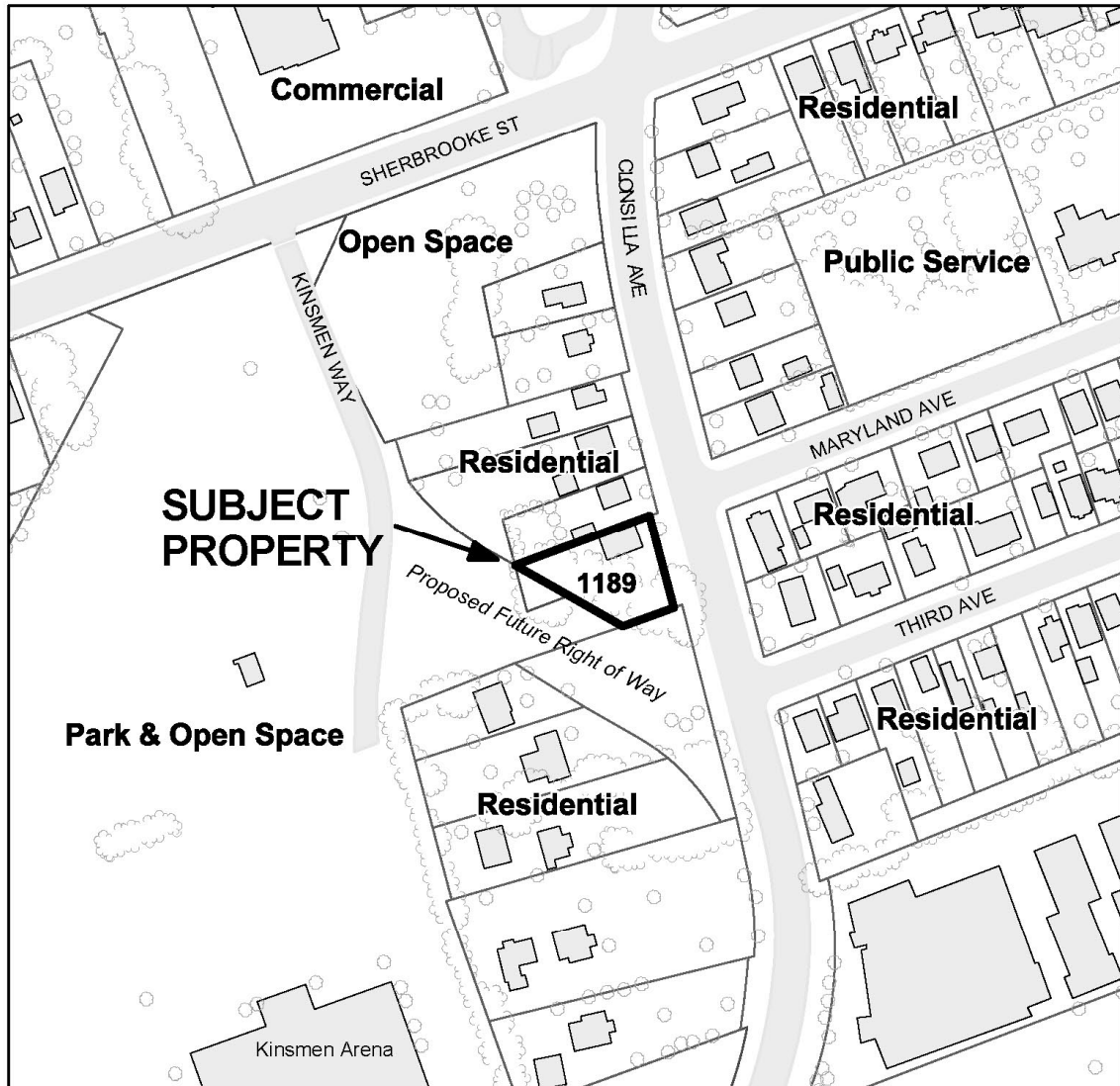
Exhibit A - Land Use Map
Exhibit B - Concept Plan
Exhibit C –Draft Zoning By-law

Exhibit 'A'
Page 1 of 1

Land Use Map

File # z1105

Property Location: 1189 Clonsilla Ave



The City of Peterborough Planning Division

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Date - January 2011

Dwg by - NSchleifer

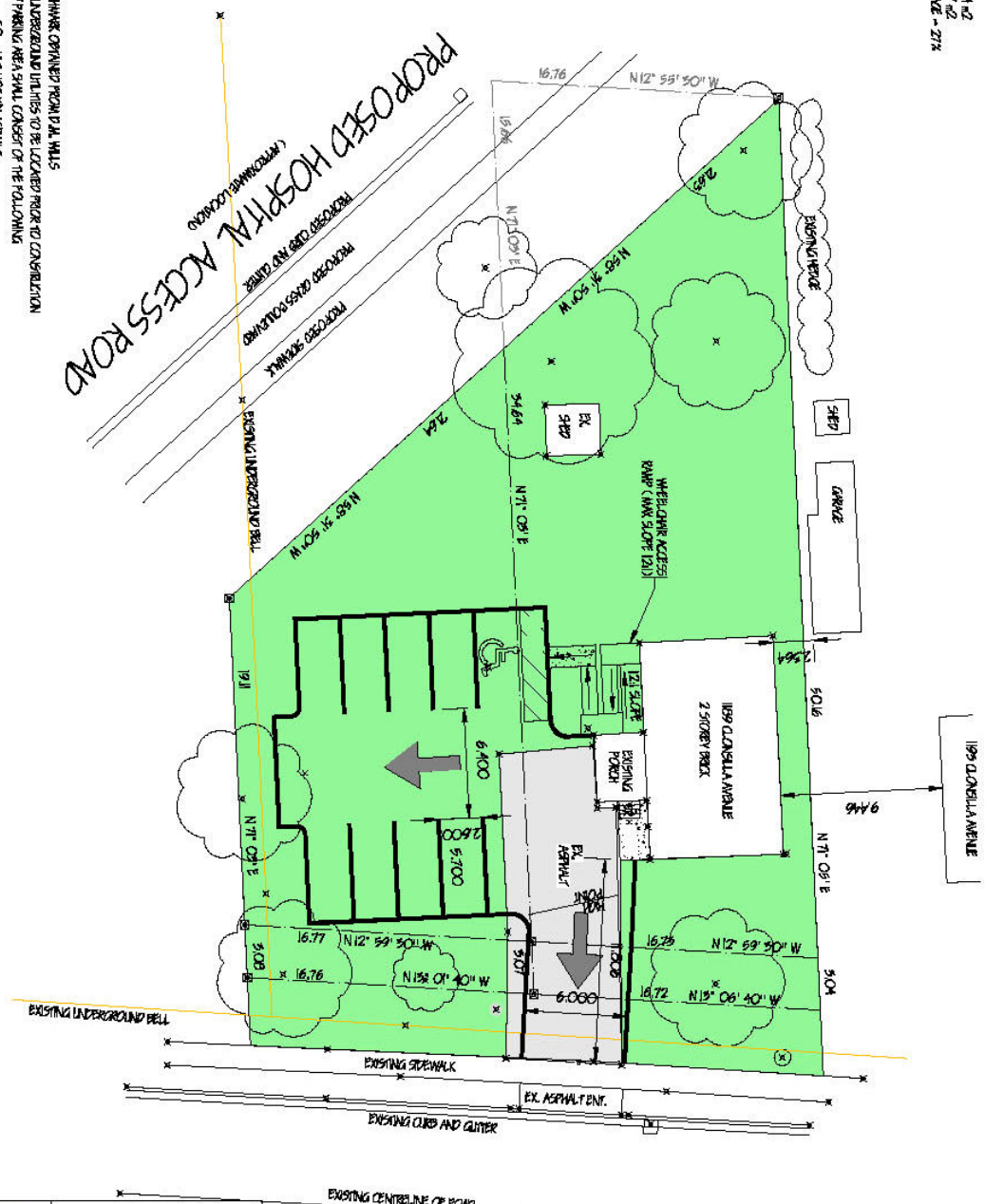
Scale - 1 : 2000

Exhibit B
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SITE STATISTICS:
 PROPERTY AREA - 1894 m²
 PARKING AREA - 367 m²
 PARKING AREA COEFFICIENT - 27%

- NOTES:
- (1) PAVEMENT OBTAINED FROM D.M. WALLS
 - (2) ALL UNDERGROUND UTILITIES TO BE LOCATED PRIOR TO CONSTRUCTION
 - (3) NEW PARKING AREA SHALL CONSIST OF THE FOLLOWING:
 90mm 11.2 HOT MIX ASPHALT
 90mm GRANULAR SUB-BASE

PROPOSED HOSPITAL ACCESS ROAD
 (PROPOSED DRIVEWAY)
 PROPOSED DRIVE AND DRIVE
 PROPOSED DRIVEWAY
 PROPOSED DRIVEWAY



<p>Shave Smith, P. Eng. 241 West Beaver Creek Road Richmond Hill, Ontario L4B 3N2 Tel: 905.709.2200 Fax: 905.709.2250</p>	
<p>PROJECT: PROPOSED PARKING LOT IMPROVEMENTS 1899 CLONSILLA AVENUE PREPARED BY: SHAVE SMITH, P. ENG. DATE: DEC 12, 2010</p>	<p>SCALE: 1:250 SHEET NO: 55 OF: 55</p>

<p>LEGEND</p> <ul style="list-style-type: none"> EXISTING PARKED AREA EXISTING DRIVEWAY AREA PROPOSED DRIVEWAY PROPOSED CONCRETE DRIVEWAY PROPOSED STREET DRAINAGE 	<p>METRIC 1:250</p>
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THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 11- _____

**Exhibit 'C'
Page 1 of 2**

**BEING A BY-LAW TO AMEND THE ZONING FOR
1189 CLONSILLA AVENUE**

THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL
THEREOF HEREBY ENACTS AS FOLLOWS:

1. Section 3.9 Exceptions of By-law 97-123 is hereby amended by adding the following:

 “.263 In addition, an office with a max. floor area of 300m² shall be permitted”
2. Map 16 forming part of Schedule "A" to By-law 97-123 is amended by changing the area shown on the sketch attached hereto as Schedule "A" **from PS.1 and R.1, 1m,2m to R.1,R.2,1m,2m - 263 - 'H'**.
3. The 'H' Holding Symbol shall be removed at such time as Site Plan Approval is granted for the subject property.

By-law read a first, second and third time this day of , 2011.

Daryl Bennett, Mayor

Nancy Wright-Laking, City Clerk

